

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT NEW JERSEY
NEWARK DIVISION

ALBERTO RIVERA and MANSOUR
CHERIF,

Plaintiffs,

v.

EZ LIMOUSINE LLC and ALEKSANDR
MATLS, individually,

Defendants.

CIVIL ACTION NO.:
2:17-cv-01483-MCA-LDW

HON. LEDA DUNN WETTRE, U.S.M.J.

JOINT DISCOVERY PLAN

1. Set forth a factual description of the case. Include the causes of action and affirmative defenses asserted.

Plaintiffs, Alberto Rivera and Mansour Cherif (collectively “Plaintiffs”), allege that Defendants, EZ Limousine LLC and Aleksandr Malts¹ (collectively “Defendants”), violated the Fair Labor Standards Act (“FLSA”) based on alleged unpaid overtime wages as well as the New Jersey Wage Payment Law (“NJWPL”) for alleged failure to maintain and report records. Plaintiffs also seek damages and costs against Defendants for *quantum meruit* and unjust enrichment for allegedly failing to pay Plaintiffs gratuities charged to Defendants’ clients. Defendants affirmatively deny all of Plaintiffs’ allegations and claims.

2. Have settlement discussions taken place? Yes X No

If so, when? On May 3, 2017, Plaintiffs made a demand to Defendants. Plaintiffs are awaiting a response.

3. The parties [have - have not X] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefore. The parties will exchange their Rule 26 disclosures within 10 days of the Rule 16 Conference.

¹ Mistakenly referred to in the caption as “Matls.” Plaintiffs intend to amend the caption to correct the spelling of the Individual Defendant’s last name.

4. The parties [have _____ - have not X] conducted discovery other than the above disclosures.
5. Generally, dispositive Motions cannot be filed until the completion of discovery. Describe any Motions any party may seek to make prior to the completion of discovery. Include any jurisdictional Motions and Motions to Amend.

Though no motions are currently anticipated, discovery motions may become necessary should the parties be unable to mutually resolve any discovery disputes that may arise.

6. The parties proposed the following:

- (a) **Discovery is needed on the following subjects:** The facts underlying Plaintiffs' legal claims and Plaintiffs' alleged damages, as well as Defendants' defenses. Plaintiffs would also like discovery on Defendants' ability to pay a judgment; however, Defendants object to such discovery at this time.
- (b) **Discovery** [should _____ - should not X] **be conducted in phases or be limited to particular issues. If so, explain.** N/A.
- (c) **Number of Interrogatories by each party to each other party:** Maximum of 25.
- (d) **Number of Depositions to be taken by each party:** Maximum of 10.
- (e) **Plaintiffs' expert report due on** January 15, 2018.
- (f) **Defendants' expert report due on** February 28, 2018.
- (g) **Motions to Amend or to Add Parties to be filed by** August 4, 2017.
- (h) **Dispositive motions to be served within** 45 **days of completion of all factual and expert discovery.**
- (i) **Factual discovery to be completed by** December 15, 2017.
- (j) **Expert discovery to be completed by** March 30, 2018.
- (k) **Set forth any special discovery mechanism or procedure requested, including data preservation orders or protective orders:** The parties intend to request the entry of a Discovery Confidentiality Order.
- (l) **A pretrial conference may take place on:** to be determined by the Court.
- (m) **Trial by jury or non-jury Trial?** Non-jury trial.
- (n) **Trial date:** 90 days after dispositive motions are decided.

7. Do you anticipate any discovery problem(s)? Yes ____ No X.

If so, explain. N/A.

8. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.)? Yes ____ No X.

If so, explain. N/A.

9. State whether this case is appropriate for voluntary arbitration (pursuant to L. Civ. R. 201.1 or otherwise), mediation (pursuant to L. Civ. R. 301.1 or otherwise), appointment of a special master or other special procedure. If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition of dispositive motions, etc.).

The parties may benefit from mediation following the close of fact discovery but prior to the deadline for filing dispositive motions.

10. Is this case appropriate for bifurcation? Yes _____ No X

11. We [do _____ do not X] consent to the trial being conducted by a Magistrate Judge.

For Plaintiffs:

THE HARMAN FIRM, LLP

By: /s/ Edgar M. Rivera
EDGAR M. RIVERA, ESQ.
Attorney I.D. No.: ER-1378
220 Fifth Avenue, Suite 900
New York, NY 10001
Telephone: (212) 425-2600
erivera@theharmanfirm.com
Attorneys for Plaintiffs,
Alberto Rivera and Mansour Cherif

For Defendants:

**CONSTANGY, BROOKS,
SMITH & PROPHETE, LLP**

By: /s/ John E. MacDonald
JOHN E. MACDONALD, ESQ.
Attorney I.D. No.: 011511995
989 Lenox Drive, Suite 206
Lawrenceville, NJ 08648
Telephone: (609) 357-1183
Facsimile: (609) 357-1102
jmacdonald@constangy.com
Attorneys for Defendants, EZ
Limousine LLC & Aleksandr Malts